

### **REMARKS**

The subject application has been in view of the outstanding Office Action of December 21, 2004. Claims 21-27, all independent claims, are currently pending. Claims 1-20 have been canceled without prejudice and/or disclaimer of subject matter.

#### **§ 103 Rejection**

Claims 1-3, 6-8, 11-13, 16-18 and 21-27 were rejected under 35 U.S.C. §103 as reciting subject matter that would have been obvious over U.S. patent no. 6,076,840 (Kincaid et al. '840). Claims 4, 5, 9, 10, 14, 15, 19 and 20 were rejected under §103 in view of Kincaid et al., and further in view of U.S. patent no. 6,604,270 (Kincaid et al. '270). For the following reasons, Applicants respectfully traverse this rejection and submit that the claimed invention is patentable over the cited prior art.

With regard to the rejection of claims 1-20, the rejection is considered moot since these claims have been canceled.

#### **The Invention**

Representative claim 21 is directed to a ball stud comprising a spherical surface for receiving by a corresponding ball socket, a threaded portion having about an 8mm or about a 5/16 inch thread diameter for being received by a corresponding fastener, and a wrench flat having a deck height for receiving a tool to restrain the ball stud being between about 4.50 mm and 6.50 mm. The other independent claims are directed toward similar patentable features, but for other ranges of deck heights corresponding to particular thread diameters of a ball stud.

It has long been a problem in the prior art that deck heights for current ball studs (the amount of space to acceptance a thickness of a wrench), are not sufficiently sized to accept current state-of-the-art wrenches. Thus, installers must fashion "home made" wrenches from a piece of steel to fit the narrow wrench heights.

### The Cited Prior Art

Kincaid et al. '840 is understood by Applicants to be directed toward self-locking, plug-in stabilizer bar links. A ball stud is included which includes a shank segment and a nut segment. The nut segment permits the ball stud to be threadedably tightened relative to the stabilizer bar such that precise length adjustment can be accommodated during assembly of tan anti-roll system.

Kincaid et al. '270 is understood to be directed to an end link adapted to interconnect a stabilizer bar and a suspension member within a vehicular suspension system includes a housing having a first socket, a second socket and a body interconnecting the first and second sockets. As shown in Fig. 2, the ball stud includes an inner hex receiving portion.

### Analysis

In order for the prior art to make obvious a claimed invention, each and every feature of the claimed invention must be taught or suggested by the prior art. Accordingly, Applicants respectfully submit that the claimed ranges of deck heights are neither disclosed, taught nor suggested by Kincaid et al. '840 and Kincaid et al. '270, either alone or in combination. Applicants could find no disclosure in disclose the claimed ranges of deck heights.

The Action, citing to In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955), for the proposition that “a change in the size of a prior art device is a design consideration within the skill in the art. In the case, In re Rose, claims directed to a lumber package “of appreciable size and weight requiring handling by a lift truck” were held unpatentable over prior art lumber packages which could be lifted by hand because “the elements and features perform in combination the same function as set forth in said prior art without giving an unobvious and unexpected result. Applicants respectfully submit that had the claims of the subject application been drafted to recite, “having a deck height of a size for

acceptance of a state-of-the-art wrench”, In re Rose would be applicable. Applicants respectfully submit that the claimed ranges are not merely a change in the size of the prior art, and the claimed ranges are not obvious, as the ranges were not randomly selected.

Moreover, the mere fact that ball-studs have been in existence for tens of decades and no other manufacturer has developed a ball-stud having the claimed ranges of deck heights for a wrench flat is evidence that embodiments of the present invention address a long felt but unmet need, and are thus patentable.

Thus, Applicants respectfully submit that claims 21-27 are patentable over the cited prior art. Accordingly, withdrawal of the outstanding §103 rejection is respectfully requested.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicants submit that the issues raised in the Office Action of December 21, 2004 have all been addressed. Accordingly, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

It is believed that no additional fees are due with respect to the number of claims or extensions of time. In the event that it is determined that any additional fees are due in such respects, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0311, Reference No. 26512-501, Customer No. 35437.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 692-6803. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
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